

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 7569

BILL NUMBER: HB 1454

NOTE PREPARED: Feb 24, 2005

BILL AMENDED: Feb 17, 2005

SUBJECT: Protection Orders and Domestic Battery.

FIRST AUTHOR: Rep. Lawson L

FIRST SPONSOR:

BILL STATUS: 2nd Reading - 1st House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides that certain fees will not be charged concerning foreign protection orders. The bill provides that a person who has a conviction for a crime that has similar elements to domestic battery in another jurisdiction and is convicted of domestic battery commits a Class D felony.

Effective Date: July 1, 2005.

Explanation of State Expenditures: (*Revised*) The bill makes it a Class D felony to have a conviction in any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to domestic battery. There is no data which indicates the number of convictions that this felony would create. A Class D felony is punishable by a prison term ranging from six months to three years or reduction to Class A misdemeanor depending upon mitigating and aggravating circumstances. Assuming offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Explanation of State Revenues: (*Revised*) If additional court cases or civil actions occur and fines are collected, revenue to both the Common School Fund (from criminal fines) and the state General Fund (from court fees) would increase. The maximum fine for a Class D felony is \$10,000.

Explanation of Local Expenditures: If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. However, any additional expenditures would likely be small.

Explanation of Local Revenues: If additional court actions or civil actions occur or a guilty verdict is entered, local governments would receive revenue from court fees. However, the amounts would likely be small.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, city and town courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Sarah Brooks, 317-232-9559.